

LEE LITIGATION GROUP, PLLC

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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

JOSE SOLORIO, on behalf of himself and others
similarly situated,

Plaintiff,

v.

142 MERCER STREET, BURGER & BARREL,
LLC, NACO NYC, LLC, 9 EAST FIRST STREET,
LLC, SESSANTA, LLC, CROMWELL SOHO
OPERATING LLC, MERCER STREET
HOSPITALITY LLC, JOHN MCDONALD,
JOSHUA PICKARD, JOSHUA CAPON, STEVEN
ECKLER and JAY OLIVEROS,

Defendants.

No. 15 Civ. 5817

**NOTICE OF PLAINTIFF’S MOTION FOR PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT, CONDITIONAL CERTIFICATION OF THE SETTLEMENT
CLASS, APPOINTMENT OF PLAINTIFF’S COUNSEL AS CLASS COUNSEL, AND
APPROVAL OF PLAINTIFF’S PROPOSED NOTICES OF SETTLEMENT**

For the reasons set forth in the Memorandum of Law in Support of Plaintiff’s Motion for Preliminary Approval of the Class Action Settlement, Conditional Certification of the Settlement Class, Appointment of Plaintiff’s Counsel as Class Counsel, and Approval of Plaintiff’s Proposed Notices of Settlement (“Motion for Preliminary Approval”), and the Declaration of C.K. Lee in Support of Plaintiff’s Motion for Preliminary Approval (“Lee Declaration”), Plaintiff respectfully requests that the Court enter an Order:

- (1) granting preliminary approval of the Joint Stipulation of Settlement and Release (“Settlement Agreement”), Decl. of C.K. Lee (“Lee Decl.”) Ex. A;
- (2) certifying the proposed class for settlement purposes;
- (3) appointing Lee Litigation Group, PLLC (“Lee Litigation Group”) (“Plaintiffs’ Counsel”) as Class Counsel;
- (4) approving the proposed Notice of Proposed Settlement of Class Action Lawsuit and Fairness Hearing, Lee Decl. Ex. B;
- (5) approving the proposed Notice of Proposed Settlement of Collective Action Lawsuit and Fairness Hearing, Lee Decl. Ex. C;
- (6) appointing Advanced Litigation Strategies, LLC as Claims Administrator; and
- (7) granting such other, further, or different relief as the Court deems just and proper.

* * *

Plaintiff has contemporaneously submitted a Proposed Order, attached hereto as **Exhibit A**, for the Court’s convenience.

Dated: February 5, 2016
New York, New York

Respectfully submitted,

By: /s/ C.K. Lee
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Attorneys for Plaintiff and the Classes